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MEMO ENDORSED

October 9, 2007

Hon. James C. Francis IV
United States Magistrate Judge
500 Pearl Street, Room 1960
New York, NY 10007-1212

BY FAX: (212) 805-7930

Re: Banno v. City of New York, et al.
06 CV 2270 ~~(RJS)~~ (RJS) (JCF)

Dear Judge Francis:

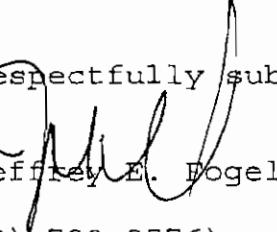
I write about several matters related to the order entered by the Court on Friday.

1. I cannot understand how a party can obtain an order to compel the production of a document (in this case a release for criminal records) that the moving party never requested. I will, of course, comply with the Court's order. However, it is unclear to me whether I am to research the requirements for a release of criminal records in each jurisdiction in question, draft the releases and have them executed by my client or whether I should wait for defendants' counsel to provide those releases for execution.
2. I am enclosing as Exhibit A the form release for school records provided by defendants. As you will note, that release calls for the "entire schools record," including report cards, test results and scores, evaluations, disciplinary records, chapter 53 student screening, psychological/psychiatric records, physical exam records, medical/nurse records, and/or any doctors notes related to such person. Given the limited basis for defendants' claim for these records, i.e. plaintiffs allegation that he lost a semester in school due to his arrest and prosecution, I request that the records be limited to that issue.
3. Given the confidentiality afforded educational records by federal statute and the confidentiality of criminal records by state law, I request that the records obtained as a result of these releases be for attorneys' eyes only. This is particularly appropriate since no one else has a need to see these records.

USDC SDNY
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DOC #:
DATE FILED: 10/11/07

Thank you for your attention to these matters.

Respectfully submitted,

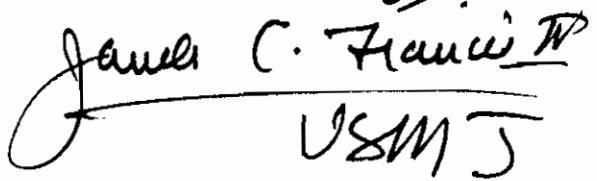

Jeffrey E. Fogel

cc: Raju Sundaran, Esq. (By Fax: (212) 788-9776)

10/11/07

Applications denied. The City has now provided release forms. No further limitation with respect to school records is appropriate. The school and criminal record shall be treated as confidential under the protective order.

SO ORDERED.


James C. Francis IV
USM J